

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

THOMAS LEE BRINCEFIELD,)	
)	
Petitioner,)	
)	
v.)	1:11CV13
)	1:03CR346-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

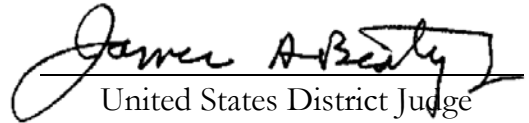
On February 5, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #76] is hereby adopted.

IT IS THEREFORE ORDERED that the stay in this case is LIFTED; that Respondent's Motions to Dismiss [Doc. #43, #47] are deemed withdrawn in light of Respondent's Second Supplemental Response; that Petitioner's Motion [Doc. #24] is DENIED as to his challenge to his career offender enhancement, but GRANTED as to his claims challenging his § 922(g) conviction and his § 851 enhancement; that the Judgment [Doc. #21] is VACATED; that Petitioner's conviction on Count Two is VACATED and that Count Two is DISMISSED; that any money paid by Petitioner toward the \$100.00 special assessment for Count Two be returned or credited to him as set out in the Recommendation; and that a

corrected Judgment will be entered contemporaneously with this Order as to Counts 1 and 3, re-imposing the previously-imposed sentence but reducing Petitioner's term of supervised release as to Count One from eight years to four years. The Probation Office is directed to provide an updated calculation to the extent this determination affects the supervised release revocation proceeding, which remains pending, and the Clerk is directed to set this matter for a final hearing on the revocation petition.

This, the 5th day of April, 2016.


United States District Judge